

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO: 04-11933-NMG

SPINIELLO COMPANIES,
Plaintiff,

v.

BRICO INDUSTRIES, INC.
Defendant.

**AFFIDAVIT OF THOMAS C.
FEDERICO, ESQ.**

I, Thomas C. Federico, hereby depose as follows:

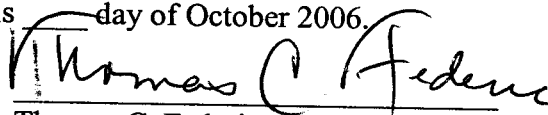
1. I am counsel of record for the defendant, Brico Industries, Inc. ("Brico"), and am licensed to practice before the Courts of this Commonwealth and the U.S. District Court for the District of Massachusetts. I submit this Affidavit in support of Brico's Motion for Summary Judgment.

2. Attached hereto are true and accurate copies of the following documents:

- Exhibit 1: Relevant portions of the Rule 30(b)(6) Deposition of Jose Collazo;
- Exhibit 2: Plaintiff's Complaint;
- Exhibit 3: ODF Subcontract, included in the documents marked as Exhibit 5 at the Rule 30(b)(6) Deposition of Jose Collazo;
- Exhibit 4: Plaintiff's Answers to Brico's Request for Admissions;
- Exhibit 5: June 20, 2000 Purchase Order, included in the documents marked as Exhibit 5 at the Rule 30(b)(6) Deposition of Jose Collazo;
- Exhibit 6: ODF's Letters of Intent, included in the documents marked as Exhibit 5 at the Rule 30(b)(6) Deposition of Jose Collazo;
- Exhibit 7: Plaintiff's Monthly Compliance Report;
- Exhibit 8: June 1, 2000 Construction Progress Meeting minutes, Exhibit 6 to the Rule 30(b)(6) Deposition of Jose Collazo; and

Exhibit 9: Relevant portions of Plaintiff's Answers to Brico's First Set of Interrogatories.

Signed under the penalties of perjury this _____ day of October 2006.

A handwritten signature in black ink, appearing to read "Thomas C. Federico", is written over a horizontal line.

Thomas C. Federico, Esq.

BBO No. 160830